

ZONING BOARD OF APPEALS

The hearing on Tuesday, September 12, 2023, is called to order by Chairman Kwiek at 7:00pm.

Members present: John Jimenez

Ron Carey

Shawn Pralow

Jim Lembke, Alternate

Harry Kwiek

Also: Phyllis Todoro, Town Atty

Ray Balcerczak, Building Insp

Bob Schafer, Alternate

Absent: Greg Kalionwski

Appeals Case #1440 for Luke & Elyse Kochmanski of 40 Highland Dr, Elma, NY who were given a continuance and are requesting an area variance to build a shed less than the required side yard setback §144-98 C4, Residential B.

Mr. Kochmanski was present and is still looking to be three feet from the side yard setback. The allowable distance is ten feet for the side yard setback. The further to the south the less visible it would be from the house.

Mr. Kwiek asked if it is a floating shed or will it have a concrete pad and the reply was that it would be a floating shed. Mr. Carey mentioned the tall pine tree on that side of the property and if the trees are his trees or his neighbor's trees. Mr. Kochmanski thought they were his and that they were not right on the property line. Mr. Carey also asked if the current shed would be taken down or if it would be left and the reply was that it would be removed from the property.

Mr. Jimenez asked if the neighbor was ok with the three feet from the property line and his answer was that the neighbor would like five feet from the property line. Also asked what would be stored in the shed and the reply was normal items to take care of the property.

Mr. Kwiek asked if Mr. Kochmanski had a letter from the neighbor about the distance and he replied that he does not. Mr. Lembke asked what a reasonable distance would be and Mr. Kochmanski's answer was five, but Mr. Carey said when he was there, they measured the distance out to be six feet.

Mr. Pralow asked if there would be gutters and if the water would run into the neighbor's yard and the reply was that it would not have gutters at this time. Mr. Pralow also asked if there would be windows and Luke Kochmanski stated that there would be on the side facing the neighbor.

Mr. Carey asked what the size of the building would be, and the answer was 12x20.

No one spoke for or against the variance.

Mr. Jimenez made the motion to approve the variance for Appeals Case #1440 for Luke & Elyse Kochmanski of 40 Highland Dr, Elma, NY who were given a continuance and are requesting an area variance to build a shed less than the required side yard setback §144-98 C4, Residential B, with the distance from the property line being 6 feet from the side year setback and based on the following criteria:

- 1) No other means of achieving.
- 2) No undesirable change confirms to the neighborhood.
- 3) No substantial change.
- 4) No adverse effect to environment
- 5) Not self-created in any way.

Seconded by Mr. Lembke Ayes: 4 Nays: Mr. Carey

Appeals Case #1442 for Pond Brook Town Homes Assoc. located at the corner of Bowen & Bullis Road, Elma, NY who are requesting an area variance to install two roadside signs on one parcel at each driveway entrance §144-93.9 G7, §144-102-1 B1e, Residential C.

Present was the President Dan Saburski and Pam. Dan stated that on July 24 an original sign was approved by Joe Colern with the building dept. The old sign will be taken down and the new sign will be installed, the new sign is double sided and has solar lights for the nighttime.

The second entrance is not very visible for people to pull into the community, it looks like it goes to another building on Bowen Road. The second sign will be 3-4 feet off the road so that it does not become buried by the snow during the winter.

Mr. Pralow asked if the post is going to be ivory and he was advised that it would be green. Mr. Carey would like the appeals application questions number 5 to be changed to one additional sign since the old sign does not need a variance. Mr. Jimenez asked about the solar lights, and it will be in the ground and elevated up. The lights cannot be put on the signs because it would void the warranty.

No one spoke for or against the variance.

Mr. Lembke made the motion to approve the variance for Appeals Case #1442 for Pond Brook Town Homes Assoc. located at the corner of Bowen & Bullis Road, Elma, NY who are requesting an area variance to install two roadside signs on one parcel at each driveway entrance §144-93.9 G7, §144-102-1 B1e, Residential C, based on the following criteria:

- 1) No other means of achieving.
- 2) No undesirable change confirms to the neighborhood.
- 3) No substantial change.
- 4) No adverse effect to environment
- 5) Not self-created in any way.

Seconded by Mr. Pralow Ayes – 5 Nays - 0

Motion made to approve the August 2023 minutes by Mr. Jimenez and seconded by Mr. Lembke.
Ayes: 5

Motion to adjourn at 7:48pm by Mr. Jimenez and seconded by Mr. Lembke.

Respectfully submitted,

Kerry Galuski
Zoning Board Secretary